

POISONED PEN CASE THROWN OUT

Technicality Based on Federal Rule of Practice over 100 Years Old.

DEFENDANT 'NOT GUILTY'

Between 200 and 300 Pen-Printed Anonymous, Obscene Letters Sent Clergyman by Jealous Woman.

Philadelphia, Dec. 11.—A technicality based on a federal rule of practice in force for more than 100 years brought to an abrupt end in the United States court here today the "poisoned pen" case in which Miss Florence Wilbauer, of Boston, Mass., was accused of writing anonymous, obscene letters to an Eastern clergyman, his wife and some of his neighbors. The case was called before Judge McPherson and when the government attempted to have admitted in evidence a sample of Miss Dewitt's handwriting the court ruled it out on the ground that under the existing rule of practice a test paper cannot be admitted as evidence unless it has some other bearing on the case other than a mere test to show comparison of handwriting.

J. C. Swartley, assistant U. S. district attorney, who conducted the case for the government, announced that with the exclusion of this test paper the case fell and Judge McPherson directed the jury to return a verdict of not guilty.

Judge McPherson in excluding the paper said that in his personal opinion the paper ought to be admitted, but that he had to abide by the federal law. State laws admit such papers, but they are not admissible in the federal courts except where they have some direct relation to the case.

WORK OF JEALOUS WOMAN.

The "poisoned pen" case has attracted considerable attention. The letters were evidently the work of a jealous woman, according to the lawyers in the case, and most of them were aimed at the Rev. Elmer E. Snyder of Christ Evangelical Lutheran Church of Boston. He had received between 200 and 300 of pen-printed, anonymous letters. Members of his congregation had received them, and his wife and some neighbors were also the targets of the letter writer. The letters had been coming to these people for more than nine years and various persons in the church and in the community had been falsely accused of writing them, and much ill feeling had been stirred up. Last summer the postal inspectors, who had been working on the case for several years, arrested Miss Dewitt.

The Rev. Mr. Snyder, his wife and several other women drawn into the case through receiving anonymous letters, testified today to having received the defamatory communications. Mr. Snyder and his wife and Miss Florence Wilbauer, with whose parents Mr. Snyder lived before he was married, told of Miss Dewitt's letters to them, and Miss Dewitt's blissing at them as they passed on the streets and of her making faces at them. Other neighbors of the Snyders and Wilbauers told of receiving letters.

ACCUSED THE DEFENDANT.

The government then called Valentine Schoenberger, a postal inspector, who investigated the case. He told of suspicion pointing to Miss Dewitt. He sent for her and after getting her to pen and print four lines at his dictation in the presence of her attorney, he said he accused her of writing the letters. She denied it, he said, and she told him she had received some of the letters. With this testimony the government offered the sample writing in evidence and the court threw it out.

MISTAKE OF A BRAKEMAN.

Public Service Commission Hears Evidence on Accident at Riverfront. Montpelier, Dec. 12.—The members of the public service commission, Chairman I. W. Redmond, S. Hollister Jackson and W. R. Warner, with Clerk R. W. Spear, met at the State House today and held a hearing on the accident at Riverfront October 26, when a light engine ran into a train and smashed several cars. Engineer W. R. Chayer of Montpelier suffered a crushed foot.

Conductor Spaulding of train 329 and Mr. Chayer of train 327 were the only witnesses used. It appeared that within a few hours after the wreck A. H. Chuddeburn, a brakeman, made a statement in which he said he went back only ten telegraph poles to flag the following train and that the wreck was his fault entirely. He at once resigned. He should have been back 36 poles, but supposed his train would proceed to Riverfront from the gravel pit, in which case he would have been back far enough.

Chairman Redmond took occasion to impress upon railroad men the importance of compliance with the rules regarding flagging and urged them to take the matter up as an organization, as a duty to themselves, the road and the public. State's Attorney J. W. Carter appeared for the State and C. W. Witters for the railroad.

The St. Johnsbury Electric company was granted permission to increase its capital stock from \$125,000 to \$150,000 to pay for extension, H. S. Blodgett of St. Johnsbury appeared for the company.

The Barre Railroad, through W. R. C. Ricketts, its attorney, was given permission to increase its capital stock by \$50,000 or issue the same amount of bonds for the purpose of building extensions.

A YEARNING.

"You say you are sometimes a little lonely?" "To a certain extent," replied Mr. Duin Stax.

"But you are famous, and sought after."

"After a fashion. But I can't help wishing more people would ask me to write in autograph-album-instead of a 'back book'."—Washington Star.

JUNE 18 IS DATE FOR CONVENTION

Republican Party Will Choose a Candidate for President at Chicago.

ALL PROCEEDINGS PRO-TAFT

Chairman of the Indiana Committee Declares His State Lost if Mr. Taft Is Nominated.

Washington, Dec. 12.—With little trace of friction the republican national committee met here today and formulated the preliminary plans for the campaign of 1912. The program agreed upon was carried out expeditiously in two short sessions aggregating barely more than two hours.

Chicago was chosen as the convention city and the call was issued for the assembling of delegates on Tuesday, June 18, to nominate candidates for president and vice-president. Acting Chairman John F. Hill, former governor of Maine, was unanimously elected chairman of the committee after the acceptance of the resignation of Postmaster-General Hitchcock, which went into effect April 1, 1909. William Hayward of Nebraska was elected secretary to serve until the new national committee is organized in Chicago in June.

The committee adhered to the convention call of 1908 and the primary question, which had been the sole disorganizing topic before the committee, was left as it was four years ago. The champions of presidential preference primaries, and State-wide primaries for the selection of delegates to the convention in States where primary laws are not operative, were defeated. They were led by Senator Borah of Idaho, who contended himself with a minority report from the sub-committee on call of which he was chairman and with a brief speech to the committee.

UNIQUE IN TWO RESPECTS.

The meeting was unique in two respects. There was a complete absence of bitterness and the proceedings were conducted with open doors.

Politically, the meeting was pro-Taft. The President's advisers controlled the situation. Early in the day it became apparent that Secretary Hill and Arthur V. Morgan, national committeemen from Ohio, were in control. The disclamation of Postmaster-General Hitchcock to endorse the selection of Col. Harry S. New, former chairman of the committee and a member from Indiana, as chairman of the sub-committee on arrangements was not overruled, and Mr. Hitchcock took no

SERVICE PENSION BILL IS PASSED

Eight Republicans Joined 84 Democrats in Vote against the Sherwood Measure.

Washington, Dec. 12.—The Sherwood service pension bill, which would add up to \$100,000 to the government's annual expenditures by granting increased pensions to Civil and Mexican War veterans on the basis of length of service, was passed by the House tonight despite the determined opposition of many democratic leaders. Secretary of the Interior Fisher had estimated that the bill would add \$100,000 to the pension roll if the 60,000 thousand veterans eligible take advantage of the increased wage.

The republicans who voted with the 84 democrats against the bill were Gardner, Gillette and McCall of Massachusetts, Hill of Connecticut, Kent of California, McCreary of Pennsylvania, Payne of New York, and Utter of Rhode Island. Speaker Clark voted with the majority of his party for the bill and Democratic Leader Underwood and Fitzgerald of New York, charged the other party with buncombe. The bill now goes to the Senate, where there is a disposition to pass some form of amended service pension legislation. Senate leaders, however, will proceed slowly in the consideration of this legislation and many House democrats voted for the measure in the belief that the Senate would not pass it.

The Sherwood bill would establish the following basis of pensions: For service for 90 days to six months, \$15 per month; from six to nine months, \$20 per month; from nine months to one year, \$25 per month; more than one year, \$30 per month.

Two important changes were made in the Sherwood bill during the all-day battle over it. A joint amendment by Representatives Rauch of Indiana and Cox of Ohio struck out the provision denying entrance to federal soldiers' homes of veterans receiving more than \$25 a month pension, and refusing to State federal aid for the support of such pensioners. The restriction against the payment of any pension to a veteran whose income exceeds \$1,000 a year was voted out on the motion of Representative Rucker of Colorado.

The fight on the bill was waged along political lines to a considerable extent and members of each party charged the other party with buncombe. "In their attitude toward the old soldiers," prominent democrats attacked the bill as directly opposed to the democratic principles of economy and obstructive of the plans to reduce the tariff.

Chairman Fitzgerald of the appropriations committee fought it because of its tremendous draught on the treasury. Representative Harrison of New York, a leading democrat, declared that the bill "knocks in the face all pretensions made by the Democratic party in the last campaign."

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part in the proceedings of the day. The southern committeemen, who had been opposed to Mr. New for fear that he favored a reduction of southern representation, voted for the Indiana man. The other members of the committee are: David Milvane, Kansas; Franklin Murphy, New Jersey; Arthur I. Vorse, Ohio; R. E. Williams, Oregon; C. C. Dunbar, North Carolina; and Victor Ross, Nebraska. The latter two were added to the committee which originally was planned to consist of five members.

Chairman New announced after the meeting of the full committee, that his sub-committee would meet in Chicago in January to begin the work of organizing the convention plans.

ROOSEVELT MEN QUIESCENT.
The wishes of the Taft committeemen prevailed throughout the meeting. The Ohioans and New Yorkers, who had given publicity to the Roosevelt propaganda contended themselves with the progress they have made. Walter Brown, leader of the Ohio Roosevelt band, took no part in the proceedings. When the all-Committee Wm. L. Ward of New York, who did not attend the White House dinner Monday night, was in accord with the program adopted.

A committee of three was named to devise rules and regulations for the national committee and its officers, which are to be reported to the 512 convention. This committee consists of Mr. Brooker of Connecticut, chairman, Mr. Ward and Frank Kellogg, committeemen from Minnesota. Ostensibly its function is to devise rules by which the treasurer and secretary of the committee shall be given places in the committee and entitled to votes.

The expected and long-heralded row over the primary question proved a flash in the pan. The following members of the committee were appointed to draft the call: Lorah, Idaho; Lowden, Illinois; Ward, New York; Roosevelt, Nebraska; and Capers, South Carolina. The committee was appointed at the morning session which began at 11:30 o'clock and retired immediately. Within an hour the committee had agreed to report.

BORAH'S MINORITY REPORT.
Messrs. Lowden, Ward and Capers signed the majority report which empowered States with primary law to select delegates by primary if their committee so decided, and Mr. Roosevelt signed it with the reservation that he favored the primary idea. Mr. Borah, who submitted his minority report which added a provision that would permit presidential primaries in all States, regardless of the existence or non-existence of a primary law.

When the committee resumed its meeting at two o'clock, Mr. Borah presented reports and explained the difference in the two. He consented to an amendment by Senator Penrose of Pennsylvania which overcame the conflict between the call and the South Dakota law. The call requires that delegates must be chosen 30 days before the convention and the South Dakota law fixes June 5 as the date of the primary. The Penrose amendment waives the rule in the case of South Dakota.

In his argument for his amendment, Senator Borah declared that he regarded it as the duty of the committee to conform to the laws of a State. Mr. Vorse of Ohio, the President's spokesman, contended that the Ohio primary law provided for the election of delegates but there was no provision for delegates at large. No primary law for the election of delegates at large could be held under the primary law, he said, and no presidential popularity contest could be conducted under the Ohio law.

BORAH'S REPORT DEFEATED.
After Senator Borah had replied to the criticism of his primary proposal, his report was defeated 42 to 7, and the majority report adopted unanimously. There was practically no contest in selecting the convention city. Tentative invitations had been received from Cincinnati, Buffalo, St. Louis, Denver and Chicago. No speaker appeared for Cincinnati or Buffalo and Mayor Fred H. Kreisman withdrew the name of St. Louis. The invitation from Chicago carried with it all the expenses of the convention. Chicago was chosen into a seven for Denver, one for St. Louis and three members not voting.

Two significant political incidents developed during the day. A stipulation was made in the call which renders null the election of delegates to the convention prior to the issue of the call. This will invalidate the titles of delegates already selected in Alabama. Another was the resurrection of the reduction of southern representation movement by Representatives James Francis Burke of Pittsburgh who championed such a resolution on the floor of the convention four years ago.

The committee adjourned to meet at the call of the chairman.

INDIANA LOST TO TAFT.
To-night Edwin M. Lee, chairman of the Indiana republican State committee, issued a statement in which he declared that his State would be lost to the Republican party if Mr. Taft were renominated. "Mr. Taft cannot carry Indiana," says Mr. Lee. "If he is the republican nominee our fight is lost before a gun is fired."

Mr. Lee adds that his conclusion was reached only after a searching inquiry through his precinct committeemen and in person.

Almost simultaneously a statement was issued by Walter F. Brown, chairman of the Ohio republican State committee, in which he deplored the action of the national committee. In refusing to provide means for the selection of delegates at large by primaries, the expression, however, was merely in the nature of a protest.

STOLEN GOODS RETURNED.

Officer Polley of Fair Haven Solves Two Recent Burglaries.

Retard, Dec. 12.—The solution of two recent burglaries in this county and the return of the stolen goods is the record made by Deputy Sheriff John S. Polley of Fair Haven. This afternoon he placed under arrest Edward Clayton, at one time held as a suspect in the burglary of the jewelry store at Poultney. He is now charged with breaking into the Mount cottage on Lake Bomoseen and stealing numerous articles. The property was found by the officer at the home of George Marshall in Poultney.

To-day with the aid of a search warrant, Washington Herald.

Officer Polley visited the Marshall house at Poultney. At the front windows were hanging the curtains stolen from the Mount cottage and within the house were found most of the cottage furniture. The Marshalls, who have both served time in the house of correction, claimed that the goods were left there by Clayton. Polley then made his way to South Poultney, where he found Clayton. The man was brought to Fair Haven and tomorrow he will be taken to Castleton for a hearing. He denies the theft.

ST. ALBANS HEARS NEWS.

City to Be a Shipping Point on Boston & Maine Road, 'Tis Said.

St. Albans, Dec. 12.—George W. Cree of Lyndonville, E. C. Mayo and Harry Hildreth of St. Johnsbury, who have been in this city and vicinity for the interests of the Boston & Maine railroad, left today for home. The statement was made here today that this city would be a shipping point on the Boston & Maine system within a year.

FRED KENT FINDS HIMSELF.

Elroy's Brother Hid All Day in Shed at Waterbury Asylum.

Waterbury, Dec. 12.—Disappearing at seven o'clock this morning Fred Kent, an inmate of the State hospital, gave himself up at nine this evening, when he was captured by the police. He had hidden in the coal shed all day. Kent has been employed in the boiler room and is not violent. He is a brother of Elroy Kent, the murderer, and he himself, during the period of a previous escape from the hospital, is thought to have killed his father. Considerable apprehension was felt over the man's disappearance and a reward of \$50 was offered for his capture and surrounding towns notified.

Associate Justice Hughes of the United States Supreme Court authorized the announcement that he will not permit the use of his name in connection with the republican nomination for president.

RECORD DEFICIT WIPED OUT NOW

Postal Service on Self-Sustaining Basis and One-Cent Letter Postage Coming.

Washington, Dec. 12.—"For the first time since 1883 the annual financial statement of the postoffice department shows a surplus instead of a deficit."

This is the burden of the annual report of Postmaster-General Hitchcock now made public. He indicated that the placing of the postal service upon a self-sustaining basis meant an improvement and extension of facilities and, at no distant day, one-cent letter postage.

At the beginning of the present administration in 1909, Mr. Hitchcock pointed out, the department showed a deficit of \$12,475,778, the largest on record. In two years this deficit has been changed into a surplus of \$23,118 despite important extensions throughout the service. These extensions include 374 new postoffices, delivery of mail by carriers in 185 additional cities, 2,516 new rural mail routes aggregating 6,675 miles, and 8,000 additional special employees, with the salary roll greater by \$14,000,000 than it was two years ago.

The postal savings bank system, less than a year old, now is in operation in practically all of the 7,500 presidential postoffices. Preparations are being made to establish it in about 40,000 fourth-class offices that do a money order business. In "money" operation, postal bank deposits aggregated \$11,000,000 and there are expected to reach \$50,000,000 or more by July 1. In view of the successful operation of the postal banks, Mr. Hitchcock strongly recommended the establishment by Congress of an adequate parcels post which, he said, could be put into operation in 1912.

The postmaster-general reiterated that the second-class postage rate should be two cents instead of one cent a pound. He also urged that by readjustment of the pay of railroads for transporting the mails, based on actual cost to the railroads, an annual saving to the government of at least \$5,000,000 could be effected.

Mr. Hitchcock said: "The progress in aviation encourages the hope that ultimately the regular conveyance of mail by this means may be practicable in many districts where the natural conditions preclude other means of rapid transportation."

A BAD MISTAKE.
"That young lady is angry with me. The episode happened at a reception. I thought her face under her big hat."

"And you mistook her for another young lady, eh? Nothing in that to get mad about."

"I mistook her for a piano lamp!"—Washington Herald.

PANDEMONIUM AT A PEACE MEETING

Cat Calls, Yells, Groans and Hisses Silence Chairman Joseph H. Choate.

PROMINENT MEN ASTOUNDED

Twenty-Eight Reserve Policemen Eject Mob Leaders from Gallery—Carnegie's Speech Eliminated.

New York, Dec. 12.—A riotous outbreak interrupted a large mass meeting held at Carnegie hall to-night in support of the arbitration treaties which President Taft has proposed with England and France. Twenty-eight reserve policemen were hurled to the hall and eight persons were forcibly ejected.

The outbreak occurred after Nicholas Murray Butler, president of Columbia University, had read resolutions urging the Senate to ratify the treaties, and Alfonso R. Koedike, of the German-American Citizens' League of the State of New York, stepped to the front of the platform and moved that the majority resolution of the United States Senate committee on foreign relations be adopted as a substitute for the declarations contained in the Butler resolution. "This declaration is no promoter of peace, but a breeder of war," he exclaimed, and the words were scarcely out of his mouth when men jumped to either side of the stage and raised their hands in an apparent signal, whereupon pandemonium was let loose in the upper galleries.

Cat calls, yells, groans and hisses made it impossible for Chairman Joseph H. Choate to proceed with the meeting. Four hundred prominent men were seated on the platform and they were astounded at the outbreak. A large group of them held conferences for more than ten minutes while pandemonium still reigned. One man on the platform jumped up and shouted as loud as he could: "That backed gallery is composed of a lot of cowards."

MEGAPHONES ARE USED.

At this point the gallery became louder and megaphones were brought into use. Women in evening dress in the boxes jumped to their feet in fright. In the midst of the noise, Chairman Choate announced that the Butler resolutions had been unanimously adopted. The persons in the main part of the auditorium took this as a signal for a counter demonstration, jumped to their feet, shouted their approval and waved their handkerchiefs and hats.

Andrew Carnegie was down on the program as the next speaker, but he sat in apparent amazement at the demonstration and, in his place, Ralph Stephen Wise asked for a hearing. He was met with such cries as "shut up" and "throw him out" from the galleries. Above all he shouted "I warn you people in the gallery that no people in this world will feel so badly at the result of this meeting tonight as the Irish leaders in the English Parliament."

His reference brought forth an even stronger combination of groans and howls. Koedike, whose resolution had precipitated the riot, called to the people in the gallery to show spirit of fair play, as loud as he could. Following from megaphones continued and both Koedike and Wise gave up the attempt to speak. Chairman Choate was equally unsuccessful. The police reserves reached the gallery by this time and ejected the leaders of the disturbing element, but no arrests were made. Chairman Choate announced that the meeting would be adjourned. A dozen men on the platform tried to assist him in restoring order. He said:

BETTER AID THAN SPEECHES.

"The action of the gallery here to-night has done more to cause the ratification of these peace treaties than all the peace speeches that could be made during the evening. In virtue of my authority as chairman of this meeting I declare the meeting adjourned without the audience listening to the speeches of the other two gentlemen."

These gentlemen were Andrew Carnegie and Frederick Coudert, a well-known lawyer.

Over all this scene of excitement the Latin word for peace shone in large gilt letters, and also in red, white and blue electric lights. Across the American flag was a white silk emblem, "Oh Lord, Thy Kingdom Come" and as part of the decorations, the colors of France and Great Britain were interwoven.

The list of men on the platform is altogether too long to present, but there is hardly a name in it that is not well known. It included Chauncey M. Depew, Elbert H. Gary, Maj. Gen. Frederick D. Grant, the Right Rev. David H. Greer, J. Franklin Port, John Hays Hammond, the Rev. Dr. John H. Jewett, Henry W. Taft, Jacob H. Schiff and many others.

APPLAUSE GENERAL AT FIRST.

Before the disturbance, the meeting had been addressed by Col. Henry Watterson, the southern editor, and President Butler of Columbia, as well as by Chairman Choate and their remarks had generally met with much applause. They had all urged the ratification of the treaties. Dr. Butler declared that there were 45 senators now ready to vote for ratification. "It requires 15 more," he said, "and these meetings being held to-night in cities from Portland, Maine, to Portland, Oregon, are for the purpose of securing these 15 votes."

ADDISON COUNTY COURT.

Middlebury, Dec. 12.—In Addison county court, the case of George Deno vs. Antoine Duffany went to the jury at 3:30 o'clock this afternoon. The plaintiff and defendant are brothers-in-law and Deno sues Duffany in a case of trespass for assault and battery alleged to have been committed upon him at at Richville in Shoreham last July. The next case for trial is understood to be Louisa Thompson, appellant, vs. Selon Burroughs, administrator.

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